

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MOINUL AZAD,

Plaintiff,

v.

GOODYEAR TIRE AND RUBBER
COMPANY, USA,

Defendant.

Case No. 2:11-CV-00290-KJD-GWF

ORDER

Presently before the Court is Plaintiff's Motion for Default Judgment (#10). Defendant filed a response in opposition (#12). Plaintiff's Complaint (#3) was filed on May 11, 2011. Subsequently, Plaintiff filed an Amended Complaint (#4) on June 9, 2011. It was screened (#5) by the magistrate judge on August 18, 2011. Plaintiff filed proof (#8) that the summons and complaint were served by the U.S. Marshal's on or about September 13, 2011. On October 4, 2011, Defendant's counsel filed a notice of appearance (#7) and requested that Plaintiff comply with the Court's order (#5) directing him to serve a copy of every pleading, motion, or other document submitted for consideration on Defendant. Defendant asserts that Plaintiff never complied with the order.

On December 29, 2011, no action of record having been taken since Plaintiff filed proof of service, the Court ordered Plaintiff to file a status report, motion for default judgment, or notice of

1 voluntary dismissal. On January 5, 2012, Plaintiff filed the present motion for default judgment. On
2 January 6, 2012, Defendant filed its Answer (#11).

3 The Court finds good cause for Defendants failure to file an answer before January 6, 2012.
4 Furthermore, Defendant has asserted a meritorious defense. Plaintiff cannot be prejudiced by having
5 to prosecute the case on the merits. Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's
6 Motion for Default Judgment (#10) is **DENIED**.

7 DATED this 18TH day of April 2012.

8
9 

10
11

Kent J. Dawson
United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26